



# MIAMI BEACH

## City Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive

January 19, 2011

Mayor Matti Herrera Bower  
Vice-Mayor Michael Góngora  
Commissioner Jorge Exposito  
Commissioner Jerry Libbin  
Commissioner Edward L. Tobin  
Commissioner Deede Weithorn  
Commissioner Jonah Wolfson

City Manager Jorge M. Gonzalez  
City Attorney Jose Smith  
City Clerk Robert E. Parcher

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### ATTENTION ALL LOBBYISTS

**Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's Office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.**

*Special note: In order to ensure adequate public consideration, if necessary, the Mayor and City Commission may move any agenda item to the alternate meeting date which will only be held if needed. In addition, the Mayor and City Commission may, at their discretion, adjourn the Commission Meeting without reaching all agenda items.*

Call to Order - 9:00 a.m.  
Inspirational Message, Pledge of Allegiance  
Requests for Additions, Withdrawals, and Deferrals

The City Commission will recess for lunch at approximately 1:00 p.m.

#### Presentations and Awards

PA Presentations and Awards

#### Consent Agenda

C2 Competitive Bid Reports  
C4 Commission Committee Assignments  
C6 Commission Committee Reports  
C7 Resolutions

#### Regular Agenda

R2 Competitive Bid Reports  
R5 Ordinances  
R7 Resolutions  
R9 New Business and Commission  
R10 City Attorney Reports

#### Reports and Informational Items

**Presentations and Awards**

- PA1 Certificates Of Completion To Be Presented To The Graduates Of Leadership Academy Fall 2010.  
(City Manager's Office)
- PA2 Certificates Of Completion To Be Presented To The Graduates Of "Academia De Liderazgo" 2010.  
(City Manager's Office)
- PA3 Certificates Of Appreciation To Be Presented To Officer Of The Month Awardees.  
(Requested by Commissioner Jorge Exposito)
- PA4 Certificate Of Appreciation To Be Presented To Captain Elmore For Graduating From The FBI  
National Academy.  
(Requested by Commissioner Jorge Exposito)
- PA5 Certificates Of Recognition To Be Awarded To The Miami Beach Senior High School Environmental  
Club.  
(Requested by Vice-Mayor Michael Góngora)
- PA6 Proclamation To Be Presented To Grand Rabbi Levi Y. Horowitz In Memoriam Of His Work With  
ROFEH International.  
(Requested by Commissioner Jorge Exposito)
- PA7 Certificate Of Recognition To Be Presented To The Slone Square Barber Shop.  
(Requested By Commissioner Jonah Wolfson)
- PA8 Certificate Of Recognition To Be Presented To Isbelia Castejon, Participant In UNIDAD's Senior  
Placement Program.  
(Requested By Commissioner Jonah Wolfson)
- PA9 Certificate Of Recognition To Be Presented Rainbow Intergenerational Child Care.  
(Requested By Commissioner Jonah Wolfson)
- PA10 Certificate Of Appreciation To Be Presented To Detective Juan Sanchez From The Miami Beach  
Police Department.  
(Requested by Commissioner Jorge Exposito & Vice-Mayor Michael Góngora)
- PA11 Certificate Of Appreciation To Be Presented To Jose Alberto, Code Compliance Administrator.  
(Requested by Commisioner Jonah Wolfson)

**CONSENT AGENDA**

**Action:**

**Moved:**

**Seconded:**

**Vote:**

**C2 - Competitive Bid Reports**

C2A Request For Approval To Award A Contract, Pursuant To Invitation To Bid No. 50-09/10, For The Police Station Elevators Renovation; Authorize The Administration To Engage In Value Engineering To Further Reduce The Cost And Time For Completion Of Said Project; Authorize The Mayor And City Clerk To Execute An Agreement With XPERT Elevator Services, Inc., In The Amount Of \$229,999, For The Construction Of The Project, Plus Approve A Project Contingency In The Amount Of \$22,999.90, For A Grand Total Not To Exceed \$252,998.90; From Funds Previously Appropriated In The Fiscal Year 2008/2009 Capital Renewal And Replacement Budget, In Account Number 125-6335-000350.

(Capital Improvement Projects)

C2B Request For Approval To Issue A Request For Proposals (RFP) For Wide Area Network (WAN) Services To Provide Computer Network Connectivity Between The Main And Remote City Facilities.

(Information Technology)

C2C Request For Approval To Award A Contract To Safe Air Corporation, Pursuant To Invitation To Bid No. 01-10/11 For The Purchase, Installation And Maintenance Of Vehicle Exhaust Removal Systems Within The City's Fire Department Facilities, In The Amount Of \$92,108.

(Fire Department)

C2D Request For Approval To Award A Contract To Control Communications, Inc. Pursuant To Invitation To Bid (ITB) No. 52-09/10 For The Purchase And Installation Of Fire Station Alerting Systems, In The Amount Of \$138,950, Plus A Ten Percent Contingency In The Amount Of \$13,895 For A Total Estimated Amount Of \$152,845.

(Fire Department)

C2E Request For Approval To Award A Contract To Peterson's Harley Davidson Of Miami, LLC., For The Lease Of Fifteen (15) Police Motorcycles Plus Two (2) Spare Motorcycles For The City's Police Department, In The Estimated Annual Amount Of \$99,000, Pursuant To Invitation To Bid (ITB) No. 21-09/10, For The Lease Or Purchase Of Police Motorcycles For The City Of Miami Beach.

(Fleet Management)

**C4 - Commission Committee Assignments**

- C4A Referral To The Land Use And Development Committee - Discussion On Artificial Grass At Hotels And Homes And The Planning Department Procedure For Approving Same.  
(Requested by Commissioner Jonah Wolfson)
- C4B Referral To The Land Use And Development Committee - Discussion Regarding The Notice Requirements For All Land Use Boards.  
(Requested by Commissioner Jonah Wolfson)
- C4C Referral To The Land Use And Development Committee - Discussion Regarding A Recommendation Of The Disability Access Committee To Create A Lane Of Travel On The 1100 Block Of Lincoln Road From Lenox To Alton Road To Accommodate Disabled Individuals.  
(Requested by Mayor Matti Herrera Bower)
- C4D Referral To The Land Use And Development Committee - Discussion Concerning A Location For A Skate Park In Miami Beach.  
(Requested by Vice-Mayor Michael Góngora)
- C4E Referral To The Finance And Citywide Projects Committee - Discussion Regarding Incentives For Façade Renovation In North Beach Commercial Corridors.  
(Requested by Commissioner Jonah Wolfson)
- C4F Referral To The Finance And Citywide Projects Committee To Discuss A Proposed Lease Agreement With Aroma Cafe, Inc., For Use Of The City-Owned Property Located At 1661 Pennsylvania Avenue, Units F And G.  
(Real Estate, Housing & Community Development)
- C4G Referral To The Neighborhoods/Community Affairs Committee - Discussion Regarding Licensing And Authorization Requirements For Mobile Food Trucks And Proposal For A City Sponsored Food Truck Festival.  
(Requested by Commissioner Edward L. Tobin & Vice-Mayor Michael Góngora)
- C4H Referral To The Neighborhoods/Community Affairs Committee - Discussion Regarding An Incentive Program To Vendors Of Boat And Aquatic Rental Equipment Providing Services In North Shore Open Space Park.  
(Requested by Commissioner Edward L. Tobin)
- C4I Referral To Transportation And Parking Committee And Finance And Citywide Projects Committee - Discussion Regarding A Resolution Of The Miami Beach Convention Center Advisory Board Urging Consideration For The Creation Of A Reduced Parking Rate Pilot Program At The Preferred Parking Lot (P-Lot) For All Food And Beverage Social Events At The Convention Center.  
(Tourism & Cultural Development)

**C4 - Commission Committee Assignments**

- C4J Referral To The Planning Board - Discussion On A Possible Code Amendment To Allow For A Restaurant Operator To Request Conditional Use Permit To Permit A Limited Entertainment License For Restaurants.

(Requested by Commissioner Edward L. Tobin)

- C4K Referral To The Neighborhoods/Community Affairs Committee - Discussion On The Co-Designation Of Portions Of Venetian Causeway As Judge Irving Cypen Way.

(Requested by Commissioner Jonah Wolfson)

**C6 - Commission Committee Reports**

- C6A Report Of The Neighborhoods/Community Affairs Committee Meeting On December 14, 2010: **1)** Discussion Regarding Whether The City Should Have A General Standing Rule To Waive Certain Fees, Such As Parking And Other, Related To Reconstruction Of Private Property Damaged Due To A Severe Storm Event Or Similar Nature Event. **2)** Status Of Technology Recommendations In The Transparency, Reliability, Accountability Committee (TRAC) Report. **3)** Status Of The Jerry Moss And Luis Hernandez Memorial Plaque Placements. **4)** Discussion Regarding The Placement Of A Plaque On The Board Walk In Honor Of Norman Ciment. **5)** Discussion Regarding The Renaming Of The Handball Courts At Flamingo Park To Richard Bower, Mayor Bower's Late Husband. **6)** Discuss The Placement Of A Small Plaque At The Bus Shelter Located In Front Of 3801 Collins Avenue In Memory Of Mr. Harold Tillman Who Was Instrumental In The Placing Of The Bus Shelter There And Recently Passed Away. **7)** Discussion Regarding An Amendment To Increase The Membership On The Disability Access Committee (DAC). **8)** Discussion Regarding An Ordinance Amending Chapter 70 Of The Miami Beach City Code Entitled "Miscellaneous Offenses" By Amending Article III, Entitled "Graffiti", By Amending Division I, Entitled "Generally," By Amending Section 70-126, Entitled "Responsibility Of Property Owner(s) To Remove Graffiti; Graffiti Removal And Notice; Enforcement", By Amending The Responsibilities Of Property Owners With Regard To The Abatement Of Graffiti And Amending Enforcement Provisions. **9)** Discussion Regarding What To Do With The Off-Leash Area For Dogs During Construction Of The Public Art Project By The Artist Tobias Rehberger In South Pointe Park. **10)** Discussion Regarding Restructuring The Safety Committee. **11)** Discussion Regarding The Issue Of A Parking Problem By The Hebrew Academy.

- C6B Report Of The Capital Improvement Projects Oversight Committee Meeting On November 8, 2010: **1)** Attendance. **2)** Review And Acceptance Of Minutes. **3)** Old Business, A) Normandy Shores; B) Venetian Islands; C) Sunset Islands I & II; D) Sunset Islands III & IV; E) Palm & Hibiscus; And F) Flamingo/West Avenue Neighborhood. **4)** Commission Items: Precast Transformer Location Agreement With Florida Power And Light. **5)** Discussion.

**C6 - Commission Committee Reports** (Continued)

- C6C Report Of The Land Use And Development Committee On December 13, 2010: **1)** Discussion On The Issuance Of A Request For Proposal (RFP) To Develop A City-Wide Transportation Plan. **2)** Discussion To Tighten The City Ordinance Involving Conditional Use Procedure For Second Hand Stores. **3)** Discussion Regarding RM-3 Districts And Requiring Any Transient Rental To Comply With State And City Law, Sales Tax Being Paid And Guests Being Registered In Occupancy At A Front Desk Operation. **4)** Discussion Of Lessening The Intensity Of The I-1 District. **5)** Alton Road Historic District Buffer Overlay. **6)** Ordinance Providing A Recycling Program For Multi-Family Residences And Commercial Establishments.
- C6D Report Of The Finance And Citywide Projects Committee Meeting On December 16, 2010: **1)** Discussion Regarding Recent Billing Of Parking Impact Fees And The Possibility Of A Moratorium Due To Present Economic Market Conditions (October 14, 2010 F&CWP Item 8). **2)** Discussion Regarding A Fire Services Assessment Study (July 7, 2010 F&CWP). **3)** Discussion Regarding Including The "Corporate Responsibility" Criterion In The Request For Proposal (RFP) To Provide Parking Cashiers/Attendants And Supervisors For The City's Parking Garages. (October 14, 2010 F&CWP Item 2). **4)** Discuss A Resolution Approving The Miami Beach Sustainability Master Plan (September 15, 2010 Commission Item C4K). **5)** Discussion Of Drainage Of The Sunset Harbor Neighborhood To Repair Pumps (September 20, 2010 Commission Item R7D). **6)** Discussion Regarding The Issuance Of A Request For Proposals (RFP) To Award A Concession Agreement For The Management And Operation Of A Hop-On-Hop-Off City Bus Tour Service From Various Locations In The City. (October 27, 2010 Commission Item C4A). **7)** Line Of Credit.

**C7 - Resolutions**

- C7A A Resolution Retroactively Approving And Authorizing The City Manager Or His Designee To Submit A Grant Application To: 1) The State Of Florida, Division Of Historical Resources For The Small Matching Historic Preservation Grants Program For Funding In An Amount Not To Exceed \$10,000 For The City's North Beach MiMo Public Awareness Program, And 2) To Miami-Dade County Homeless Trust For Funding For Identification Assistance Services For Homeless Individuals And Families In An Amount Not To Exceed \$50,000 For The City's Homeless Outreach Program; Appropriating The Above Grants, And Matching Funds As Necessary If Approved And Accepted By The City, And Authorizing The Execution Of All Necessary Documents Related To These Applications

(Budget & Performance Improvement)

- C7B A Resolution Retroactively Approving And Authorizing The Mayor And City Clerk To Execute An Agreement With The State Of Florida, Department Of Business And Professional Regulation, Division Of Hotels And Restaurants, Delegating To The City Of Miami Beach The Authority Under Chapter 399, Florida Statutes, To Issue Elevator Construction Permits, Temporary Operation Permits, And Certificates Of Operation; Provide Inspection Of Elevators; And Enforce The Elevator Safety Code Within The City Of Miami Beach For All Elevators, Except For Elevators Owned By Miami-Dade County.

(Building Department)

**C7 - Resolutions** (Continued)

- C7C A Resolution Approving And Authorizing The Reallocation Of Funds In The Amount Of \$746,579, From The South Pointe Phases III, IV And V Right Of Way Project Construction Savings, To The South Pointe Phase II Right Of Way Project, For The Construction Of 3rd Street Improvements, As Additional Scope Of Work, For The City Of Miami Beach Right Of Way Infrastructure Improvement Program, Neighborhood No. 12C, South Pointe Phase II Project; And Further Approving A Change Order In The Amount Of \$678,708 To The Agreement Between The City And Horizon Contractors, Inc., For Neighborhood No. 12C, South Pointe Phase II Right Of Way Project, And \$67,871 In Contingency For This Work; With Funding Available From Previously Appropriated South Pointe Capital Fund 389 In The Amount Of \$746,579.

(Capital Improvement Projects)

- C7D A Resolution Setting A Public Hearing Pursuant To Miami Beach City Code Section 118-563 To Consider Granting A Certificate Of Appropriateness For The Demolition Of The 53rd Street Restrooms, Located At 5301 Collins Avenue.

(Capital Improvement Projects)

- C7E A Resolution Waiving, By 5/7ths Vote, The Competitive Bidding Requirement, Finding Such Waiver To Be In The Best Interest Of The City, And Approving And Authorizing The Mayor And City Clerk To Execute A Project Management Services Agreement Between The City And Unidad Of Miami Beach , Inc., A Florida Not-For-Profit Corporation, For Project Management Services Relative To The Architectural And Construction Work Elements To Include Construction Of A Terrace, Tree Relocation, And Utilities Adjacent To The North Beach Community Center, Located At 7251 Collins Avenue, Miami Beach, Florida, In The Estimated Amount Of \$477,368, Which Includes A 10% Contingency; And Further Authorizing The Mayor And City Clerk To Execute The Agreement Upon Receipt Of City Attorney's Form Approval.

(Capital Improvement Projects)

- C7F A Resolution Approving The Settlement In The Amount Of \$50,000 Of A City Lien On Property Owned By Park Front Condominium Association, Inc., Located At 1319 Meridian Avenue, In The Original Amount Of \$193,334.53, And Further Authorizing The City Manager To Take Such Action And Execute Any And All Necessary Documents To Complete Such Lien Release And Settlement.

(Finance Department & City Attorney's Office)

- C7G A Resolution Authorizing A Sole Source Upgrade To The City's Laserfiche Records Management System (RMS) To Laserfiche Avante Enterprise Content Management System (ECM) For The Planning Department And Citywide Purchases In The Amount Of \$26,139 Software Licenses And Professional Services In The Amount Of \$14,278; And Annual Maintenance In The Amount Of \$30,029, Pursuant To Section 2-367 (d) Of The Miami Beach City Code, From R&S Integrated Products And Services, Inc., ("R&S"), The Sole Source Manufacturer And Provider Of Document Shuttle Pro Software, Laserfiche Software And Integration, To Disparate Software Systems Using R&S And Laserfiche Technologies.

(Information Technology)

**C7 - Resolutions** (Continued)

- C7H A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee Regarding The Placement Of A Memorial Plaque On The City's Boardwalk Near The 41st Street Entrance Honoring Judge Norman Ciment And Setting A Public Hearing For Final Approval Of The Placement Of Said Plaque In Accordance With Section 82-504 Of The City Code.  
(Parks & Recreation)
- C7I A Resolution Approving, On A Month-To-Month Basis Until Such Time That The Administration Fully Evaluates The Potential Option For Corporate Sponsorship And Either Approves A Sponsorship Agreement Or A New Contract Is Awarded Via The Competitive Bidding Process, The Following Lease Schedules With Siemens Financial Services For Turf Equipment, As Specified Herein, For The Miami Beach Golf Club, Pursuant To Siemens Master Lease Agreement With The City: 1) Lease Schedule #729-0051308-001, Retroactive To May 30, 2010; 2) Lease Schedule #729-0051308-002, Retroactive To July 17, 2010; And 3) Lease Schedule #729-0051308-003, Retroactive To January 10, 2011; Authorizing The Mayor And City Clerk To Execute All Lease Schedules With Siemens Financial Services; And Further Authorizing The City Manager, At His Discretion, To Terminate The Master Agreement And/Or Schedules.  
(Parks & Recreation)
- C7J A Resolution Recommending In Favor Of Listing The Proposed Lincoln Road Mall Historic Site On The National Register Of Historic Places.  
(Planning Department)
- C7K A Resolution Authorizing The City Manager And City Clerk To Execute A Multi-Agency Voluntary Cooperation Mutual Aid Agreement Between The City Of Miami Beach, On Behalf Of The Miami Beach Police Department, And The Office Of The Attorney General, Child Predator Cyber Crime Unit, In Order To Combat The Online Sexual Exploitation Of Children, The Manufacturing And Distribution Of Child Pornography, And Other Related Criminal Violations, Which Shall Serve To Disrupt Those Persons And Organizations Engaged In Such Criminal Activities.  
(Police Department)
- C7L A Resolution Approving And Authorizing The Mayor And City Clerk To Execute An Interlocal Agreement Between Miami-Dade County And The City Of Miami Beach In The Amount Of \$945,460.98 For The Purchase Of Two (2) Minibuses For Bus Routes In Miami Beach, With Funding From A Federal Transit Administration American Recovery And Reinvestment Act Grant.  
(Public Works)
- C7M A Resolution Approving And Authorizing The Execution Of Amendment No. Three To The Joint Participation Agreement By And Between The City And The Florida Department Of Transportation, Dated October 31, 2007, For The Milling And Resurfacing Improvements Along Indian Creek Drive (SR A1A) Between 26 And 41 Streets, To Extend The Contract For An Additional Five Months, Through And Including June 30, 2011 And To Extend The Final Invoice Submittal Date To October 28, 2011.  
(Public Works)



**C7 - Resolutions** (Continued)

- C7N A Resolution Approving And Adopting The Miami Beach Sustainability Plan.  
(Public Works)
- C7O A Resolution Approving A Second Amendment To The Fiscal Year 2009/10 Home Program Agreement Between The City Of Miami Beach And The Miami Beach Community Development Corporation To Reallocate \$223,786 From The Meridian Place Apartments Housing Project, Located At 530 Meridian Avenue, And \$200,000 From The Barclay Apartments Project, Located At 1940 Park Avenue, For A Total Of \$423,786, To The Allen House Apartments Project, Located At 2001 Washington Avenue, Subject To The Completion Of An Underwriting Review.  
(Real Estate, Housing & Community Development)
- C7P A Resolution Approving And Authorizing The City Manager To Execute A Funding Agreement Between The City, Miami-Dade County, And UNIDAD Of Miami Beach, Inc. (UNIDAD) Regarding The Community Development Block Grant Funding Related To UNIDAD's Construction Of The North Beach Oceanfront Center/Home Of The UNIDAD Senior Center, Located At 7251 Collins Avenue, Miami Beach, Florida.  
(Real Estate, Housing & Community Development)
- C7Q A Resolution Accepting The City Manager's Recommendation, And Approving The Cultural Arts Council's Funding Recommendations, Awarding \$62,500 In Miami Beach Arts Gala Grants, For Fiscal Year 2010/11, As Identified In The Attached Exhibit "A"; And Further Authorizing The Mayor And City Clerk To Execute Said Grant Agreements, And Award Said Grant Monies.  
(Tourism & Cultural Development)

**End of Consent Agenda**